

REMARKS

The Office Action dated September 13, 2004 has been received, its contents carefully noted, and the applied citations thoroughly studied. Accordingly, the foregoing revisions to the specification and claims are tendered with the conviction that patentable contrast has now been made manifest over the known prior art. All rejections tendered by the Examiner in the above-referenced Office Action are hereby respectfully traversed and reconsideration is respectfully requested.

At the outset, undersigned wishes to gratefully acknowledge the Examiner's perception of patentable subject matter as it pertains to claim 53. The following remarks when coupled with the revisions to the claims hereinabove should provide the requisite distinction for the Examiner to conclude that patentable merit exists in those claims as now amended. Reconsideration by the Examiner is therefore respectfully requested.

It is believed that the foregoing revisions to the claims are within the metes and bounds of the recently articulated Supreme Court *Festo* case, in that all equivalents susceptible to capture have been retained in that one skilled in the art, at the time of this amendment, could not have reasonably be expected to have drafted a claim that would have literally encompassed any other equivalent.


Four new claims are before the Examiner which conform to the Examiner's perception with respect to the patentability of claim(s) 53. All other claims have been cancelled without prejudice or disclaimer to their content. A terminal disclaimer has been provided to remove Coelho et al. (6274090) as prior art under 35 U.S.C. § 103(e).

The Examiner is respectfully requested to note that the Office Action to which this amendment responds was mailed on September 13, 2004, thereby requiring a response on February 13, 2005. February 13, 2005 was a Sunday. Therefore, this amendment is timely filed on Monday, February 14, 2005.

In view of the foregoing, it is respectfully requested that the Examiner pass this case to issue. If, upon further consideration, the Examiner believes further issues remain outstanding or new ones have been generated, undersigned respectfully requests that the Examiner call undersigned to expeditiously resolve same.

Dated: February 14, 2005

Respectfully Submitted:



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